

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

ORIGINAL

ILLINOIS
COMMERCE COMMISSION

2004 APR -11 A 10:46

Illinois Commerce Commission

On Its Own Motion

-v.-

MANK, LTD.

CHIEF CLERK'S OFFICE

04-0164

Investigation of compliance with Order
granting QSWEF status.

Motion to Join ComEd's Amended Motion to Close Proceeding

LePetomane VI, Inc., not individually but solely as Receiver for KMS Joliet II, Inc. ("KMS Joliet II"), by and through its counsel, Louis D. Bernstein and Theodore F. Kommers, respectfully joins the Amended Motion to Close Proceeding filed by Commonwealth Edison Company ("ComEd") and states as follows:

1. On March 19, 2004, ComEd filed an Amended Motion to Close Proceeding. ComEd's Motion is based on the facts that (1) since, February 2, 2004, ComEd has not been compensating Mank, Ltd. ("Mank") under Rider 3, but rather at the standard PURPA/ICC Part 430 avoided cost rate paid to QFs under ComEd's Rider 4 and (2) Joliet Power Partners, LP has already stated, in writing, that it has chosen not to renew its status as a QSWEF. *See* ComEd Motion at 3 and attached affidavit of David F. Geraghty.

2. As this proceeding was initiated to determine whether Mank's QSWEF status should be revoked, the issue is moot as Mank and/or its affiliates and successors are no longer claiming such entitlement. Accordingly, KMS Joliet II joins ComEd's Motion to Close Proceeding.

WHEREFORE, KMS Joliet II respectfully requests that the Commission enter an order (1) finding that the matter at issue in this proceeding is moot, (2) finding that the proceeding

should be closed, (3) granting such other and further relief in favor of KMS Joliet II as the Commission deems appropriate.

Louis D. Bernstein
Theodore F. Kommers
Gould & Ratner
222 N. LaSalle Street, Suite 800
Chicago, IL 60601
(312) 236-3003

Respectfully Submitted,

**LE PETOMANE VI, INC., not
individually, but solely as the duly
appointed Receiver**

By: 
One of its Attorneys

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Illinois Commerce Commission	:	
On Its Own Motion	:	
-vs-	:	
	:	
MANK, LTD.	:	04-0164
Citation to show cause for continued	:	
QSWEF Certification of CDT landfill	:	
facility	:	

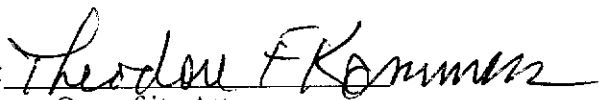
NOTICE OF FILING

To: See Attached Service List

Please take notice that on March 31, 2004, we forwarded for filing with the Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois 62701, the attached **Motion to Join ComEd's Amended Motion to Close Proceeding**, in the above captioned matter.

Respectfully Submitted,

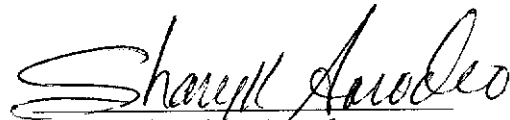
**LE PETOMANE VI, INC., not
individually, but solely as the duly
appointed Receiver**

By: 
One of its Attorneys

Louis D. Bernstein
Theodore F. Kommers
Gould & Ratner
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Chicago, Illinois 60601
(312) 236-3003

CERTIFICATE OF SERVICE

I, Sharyl L. Amodeo, a non-attorney, state, pursuant to §1-109 of the Code of Civil Procedure, that I caused copies of our **Motion to Join ComEd's Amended Motion to Close Proceeding**, upon the ICC located at 527 East Capitol Avenue, Springfield, Illinois 62701, via overnight mail, and to the remaining persons on the service list via electronic mail and regular mail, this 31st day of March, 2004, before the hour of 5:00 p.m.


Sharyl L. Amodeo

SERVICE LIST

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